Every day, most businesses receive unsolicited and unwanted fax messages advertising penny
stocks, vacations and other supposed and sometimes imaginary services. Most of these are
violations of the Telephone Consumer Protection Act of 1991 (TCPA, 47 USC §227) and of
Federal Communications Commission (FCC) rules that explicitly prohibit junk faxes. Up to the
end of 2004, senders can use a pre-existing business relationship to justify using your fax line,
paper and toner. From January 1, 2005, advertisers require “a signed, written statement that
includes the fax number to which any advertisements may be sent.” <
http://www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html >

Many junk faxes lack any information about the company sending the advertisement other than a
toll-free number. There’s no name, no address, no corporate phone number and no return fax
number. Some are even more obviously fraudulent than others; for example, the fax that sparked
today’s article had no sender information in the header (a violation of FCC rules) and claimed to
be from “Our Corporate Travel Department.” How could anyone be gullible enough to do
business with such obviously dishonest people?

Using the phone number indicated for removal of one’s fax number from a junk faxer’s list may
not work; some commentators suggest that, much like “removal” addresses on some junk e-mail
messages, these phone numbers may actually be a means to confirm fax numbers for further use.

Slashdot has an extensive discussion of responding to junk fax that started on May 10, 2004 <
http://tinyurl.com/2ktm6 >. Correspondents offered several ideas for responding to junk faxes –
some of them good and some not so good.

On the positive side, several people commented that using a physical fax machine should be
restricted to outbound calls where it is easier and quicker to scan and send physical paper all at
once than to use a scanner and a computer-fax program. For reception, one can install an old,
out-of-date computer on the inbound fax line and record all faxes to disk. A quick look at the
faxes can allow someone (e.g., a secretary) to discard junk faxes. In addition, the electronic
images can be sent to recipients (even lists of recipients) through e-mail as attachments instead
of having to print them to paper.

On the less-good side, several people suggested vigilante retaliation against the faxer. Several
people suggested taping the ends of paper together in the fax machine to generate an enormous
output fax; however, others pointed out that the junk faxers are likely using computers for their
inbound faxes too, so it won’t cost them anything in resources.

Other correspondents suggested programming a modem or fax machine to call the listed toll-free
numbers repeatedly to rack up large phone bills for the junk-fax sender. However, using the
phone lines for harassment may violate federal and state laws and potentially lead to prosecution
of the vigilante.
In addition, someone identified as “BasharTeg” posted an interesting riposte on May 11 suggesting that the phone-bombing may target the wrong people. He explained that he works for a provider of toll-free numbers. Junk faxers typically run their scams quickly and then disappear without paying the phone-number supplier for the calls. Therefore, bombarding the toll-free numbers simply generates costs for the innocent phone-service providers rather than punishing the junk faxers. In addition, the calls typically cost only pennies per minute. Given the economics of this kind of scam, it would take thousands of calls to generate a significant bill even if the criminals were actually paying it.

Theoretically, if one can find out exactly who is sending a junk fax, it is possible to sue the sender in civil court. Damages can reach $1500 per violation. However, few recipients are going to go to the trouble of (a) tracking down the malefactor, (b) spending time in small-claims court, and (c) trying to collect from such people even if they win.

Some people have become so angry about junk faxes that they have organized resistance. For example, Venture Capital Management, LLC of Peoria, AZ has an entire Web site devoted to providing information about junk faxes and how to fight the senders <http://www.faxcapital.com>.

At least one law firm is providing services to collect junk faxes, sue the senders, and share the proceeds with the original victims: Demirali Law Firm of Denver, CO <http://www.faxwars.com/turning.htm>. Victims send faxes in batches of ten along with a downloaded form. If the lawsuits succeed, the firm pays the original victim $25 per junk fax or the proportion based on the theoretical maximum.

In any case, at the very least, readers should ensure that all junk faxes received on corporate machines be destroyed immediately. I would add appropriate policies to the corporate information security policies to ensure such protection of all employees against fraudulent offers received by junk fax. It would also be helpful to include a note in the corporate newsletter reminding employees of the danger of responding to such drivel.

For Further Reading:


Junkfax.org <http://junkfax.org/>

Repel the Invaders FAQ <http://www.dopplerfx.com/dfx_cfm/repel/repel_main.cfm?dest=FAQ>

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A Master’s degree in the management of information assurance in 18 months of online study from Norwich University – see <http://www3.norwich.edu/msia> for details.
M. E. Kabay, PhD, CISSP is Associate Professor in the Division of Business and Management at Norwich University in Northfield, VT. Mich can be reached by e-mail at <mailto:mkabay@norwich.edu>; Web site at <http://www.mekabay.com/index.htm>.

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